

Grievance Procedures

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Introduction

According to the Bylaws of the Faculty (Article 4, Section 2, h), “the Faculty Grievance Committee shall have responsibility to review faculty grievance procedures and recommend changes thereto and the power and responsibility to elect Formal Hearing Boards from among its members upon receipt of a formal notice of grievance from a faculty member. The Formal Hearing Boards shall conduct formal hearings of faculty grievances and shall make and report findings based on such hearings. The conduct of such hearings and subsequent reports shall be in accordance with the established Grievance Procedures of the School of Medicine.”

Grievance Procedures of the School of Medicine

Section 1

In the interest of harmonious and efficacious performance of the duties and obligations of Tufts University and its faculty, the University recognizes the importance of prompt and equitable disposition of any grievance at the lowest organizational level possible under procedures of maximum informality and flexibility. It is the purpose of this grievance procedure to insure fairness in faculty relations, and to be a means of resolving misunderstandings and redressing injustices fairly and without undue delay.

Any faculty member shall have the right to present a grievance and have it promptly considered on its merits. In the interests of informality and prompt resolution as stated above neither the parties to a grievance nor the University shall be represented by legal counsel at meetings conducted pursuant to the steps of this procedures, although advice of legal counsel or other appropriate counsel may be sought at any time.

Section 2 - Definitions

(a) A grievance is defined as a complaint by a member of the faculty that she/he has been subject to a violation, inequitable application or misinterpretation of a specific provision of the Faculty Handbook or of a specific Tufts University policy or procedures affecting the faculty member. In cases involving appointments, renewals of appointments, promotions, and tenure, grievances shall be restricted to issues of procedural due process. The grievance procedures shall not be applicable to grievances concerned with substantive matters of professional competence or worthiness for appointment, promotions, tenure, or retention of a faculty member.

(b) Grievances may be initiated only by employees either singly or jointly. “Parties” to the grievance shall be defined as the grievant(s) who is a member of the faculty and the officer of the Tufts University administration about whose action the grievant is complaining.

(c) Working days shall be defined as days for which the University calendar calls for classes to be in session. The appropriate calendar is the official calendar of the particular Tufts school to which the grievant belongs.

Section 3 - Time Limits

If any grievance is not filed at any step within the time limits specified in this procedure, the grievance shall be deemed settled on the basis of the last disposition and shall not be eligible for further processing. Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the grievant to proceed to the next step.

The time limits specified within the grievance procedure may be extended in any specific instance by written mutual agreement.

Section 4 - Adjustment of Grievance

Under these procedures, a “grievant” may choose to follow both the Informal Procedures and the Formal Procedures. However, the grievant is required to follow the Informal Procedures as a prerequisite to filing a grievance at Step 1 of the Formal Procedures. The time limits specified under both the Informal and Formal procedures will run concurrently.

A. Informal Procedure

A faculty member may present a grievance in writing to the appropriate committee of the individual schools. The grievance has to be presented within fourteen (14) working days after the faculty member had knowledge or reasonably should have had knowledge of the event leading to the grievance.

The written grievance shall contain a statement of the policy or procedures which the grievant claims to have been violated, name the administrator(s)/employee(s) about whose decision the grievant is complaining, and state the remedy sought.

The appropriate committee shall confer with the grievant and within fourteen (14) working days of the filing shall advise the grievant of the merits of the case and whether or not further action might be taken. The appropriate committee shall not take action or report further on the case without the written consent of the grievant. With the written consent of the grievant, the Chairperson of the appropriate committee, after consultation with the Committee, may communicate with the interested parties in order to resolve the grievance formally.

B. Formal Procedure

Step 1 - Department Level

Any faculty member having a grievance and having submitted his/her grievance through the Informal Procedures outlined above, shall submit a written statement of the grievance and the remedy sought to the department chairperson within forty-five (45) working days after the grievant had knowledge or reasonably should have had knowledge of the event leading to the grievance. (For those faculty who have appointments in more than one department, the grievance must be submitted to the chairperson of the department in which the grievant carries his/her primary appointment). The grievant shall discuss the matter informally with the chairperson, and every effort to resolve the grievance at this level shall be made. The department chairperson shall respond to the grievance in writing within fourteen (14) working days of the filing of Step 1.

Step 2 - Dean

If, in the estimation of the grievant, the grievance is not satisfactorily resolved at Step 1, the grievant may within seven (7) working days after receipt of the Step 1 response, deliver the written statement of the grievance, together with a statement of the action taken by the chairperson, to the Dean of the appropriate health science school. Copies thereof shall be delivered to the chairperson, the Vice President for Health Sciences, and the President. If the grievance involves an allegation of discrimination based on race, color, religion, national origin, sex, age or handicap, a copy of the grievance shall be sent by the Vice President for Health Sciences to the Special Assistant to the President for Affirmative Action. (The Special Assistant to the President may conduct an investigation of the incident and submit a report to the Dean, and the Vice President for Health Sciences and President). The dean shall investigate and attempt to resolve the grievance, and shall within fourteen (14) working days after receipt of the written grievance render his/her decision thereon.

Step 3 - Hearing Board

If the grievance is not resolved to the satisfaction of the grievant at Step 2, he/she may, within seven (7) working days after receipt of the Step 2 decision refer the grievance to the group designated by each individual school to receive formal grievances in writing with the a request for a hearing. The request for hearing must state the grounds for the grievance, the remedy requested and contain a preliminary list of those persons whom the grievant intends to call as witnesses. In cases involving appointments, renewals of appointments, or promotion and tenure, the Step 3 hearing shall be restricted to issues of procedural due process and hearing board shall not consider or act with respect to substantive matters concerned with professional competence or worthiness for appointment, promotion, tenure or retention of a faculty member.

(a) The Hearing Board shall convene the hearing as soon as possible, but not more than 30 working days from the date of the receipt of the hearing request. In the case of a faculty member who is under suspension, however, the hearing shall be held not later than fifteen (15) working days from the date of receipt of the hearing request.

b) Within thirty (30) working days after the conclusion of the hearing (exclusive of school vacation periods), the hearing board shall report its findings, including recommendations for disposition of the grievance to the President for final disposition. Copies of the report shall be issued to all parties to the grievance, and to the (Grievance Panel), the Dean, and the Vice President for Health Sciences.

The President shall base his decision on the Step 3 record including the finding of the hearing board, and he may seek the advice of any other university officials. At his discretion, the President may remand the grievance to the hearing board for further evidence and/or reconsideration of their findings, in which case the hearing board shall promptly take further evidence and/or reconsider their findings, and issue a second report within fourteen (14) working days.

Section 5 - General Provisions

(a) The parties shall cooperate with each other in the investigation of any grievance and shall furnish each other such specific, reasonable and relevant information, not otherwise privileged, as is requested for the processing of any grievance.

(b) Documents developed in tenure and promotion proceedings involving the understanding and expectation that they are confidential will not be made available to the grievant by the University. Such documents may include, but are not limited to, letters of recommendation, evaluation forms, and minutes of promotion and tenure committee deliberations.

(c) Attendance by persons other than parties to the grievance at Step 1 and 2 meetings shall be at the discretion of the Chairperson, Dean, or Vice President for Health Sciences, respectively.

(d) Upon receipt of the grievant's request for hearing, a hearing board will be appointed. The size and membership of the grievance hearing board will be determined by the policy of the individual schools. The Hearing Board should elect a chairperson by majority vote. In the event that a faculty member has participated in the circumstances which led to the grievance, or in the event of other good cause shown, such person shall not serve on the hearing board.

e) Conduct of the hearing:

- 1) The elected chairperson shall preside over the hearings.
- 2) No member of the elected hearing board may vote by proxy.
- 3) The hearing shall be closed unless opened by mutual consent of the grievant and the Hearing Board.

- 4) The personal presence of the grievant shall be required. A grievant who fails without good cause to appear and proceed at such hearing shall be deemed to have abandoned the grievance.
- 5) Each party to the grievance may be accompanied and/or advised at the Step 3 hearing by a person of his/her own choosing, and shall be so informed in the notification of the Hearing. However, parties will represent themselves in their presentation before the hearing board.
- 6) During the hearing, the parties to the grievance shall have the right to call and examine witnesses, and to introduce evidence relevant to the issue of the hearing. At its discretion, the board may examine witnesses and arrange for the presentation of such additional evidence as it deems relevant. If the grievant does not testify in his/her own behalf, he may be called and examined as if under cross-examination.
- 7) Hearing need not be conducted strictly according to the legal rules of evidence or civil procedure.
- 8) Upon conclusion of the presentation of oral and written evidence, the hearing shall be closed and the hearing board will, at a convenient time, conduct its deliberations in executive session.